

**SENATE BILL 124 (LRB -1855)**

An Act to renumber 813.12 (7) (intro.), 813.12 (7) (a), 813.12 (7) (b), 813.122 (10) (intro.), 813.122 (10) (a), 813.122 (10) (b), 813.123 (9) (intro.), 813.123 (9) (a), 813.123 (9) (b), 813.125 (6) (intro.), 813.125 (6) (a) and 813.125 (6) (b); to amend 813.12 (7) (c); and to create 813.122 (10) (c), 813.123 (9) (c) and 813.125 (6) (c) of the statutes; relating to: notice for child abuse, vulnerable adult, and harassment injunctions.

**2007**

- 04-03. S. Introduced by Senators **Lassa, Lazich, Olsen, Darling, Hansen, Coggs, Roessler** and **Lehman**; cosponsored by Representatives **Kramer, Hines, Musser, Vukmir, Berceau, A. Ott, Nass, M. Williams, Gunderson, Hraychuck, Cullen** and **Ballweg**.
- 04-03. S. Read first time and referred to committee on Judiciary and Corrections ..... 153
- 11-06. S. Rereferred to committee on Judiciary, Corrections, and Housing, by committee on Senate Organization, pursuant to Senate Rule 20 (1)(c) ..... 410

**2008**

- 01-28. S. Senate amendment 1 offered by Senator **Lassa (LRB a1134)** ..... 541
- 01-29. S. Public hearing held.
- 02-14. S. Executive action taken.
- 02-15. S. Report adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections, and Housing, Ayes 4, Noes 1 ..... 588
- 02-15. S. Report passage as amended recommended by committee on Judiciary, Corrections, and Housing, Ayes 4, Noes 1 ..... 588
- 02-15. S. Available for scheduling.
- 02-21. S. Placed on calendar 2-26-2008 by committee on Senate Organization.
- 02-26. S. Senator A. Lasee added as a coauthor ..... 618
- 02-26. S. Read a second time ..... 619
- 02-26. S. Senate amendment 1 **adopted** ..... 619
- 02-26. S. Ordered to a third reading ..... 619
- 02-26. S. Rules suspended ..... 619
- 02-26. S. Read a third time and **passed** ..... 619
- 02-26. S. Ordered immediately messaged ..... 621
- 02-26. A. Received from Senate ..... 543
- 02-26. A. Read first time and referred to committee on Rules ..... 543
- 03-10. A. Placed on calendar 3-12-2008 by committee on Rules.
- 03-11. A. Made a special order of business at 11:22 A.M. on 3-12-2008 pursuant to Assembly Resolution 18 ..... 660
- 03-12. A. Read a second time.
- 03-12. A. Ordered to a third reading.
- 03-12. A. Rules suspended.
- 03-12. A. Read a third time and **concurred in**.
- 03-12. A. Ordered immediately messaged.
- 03-13. S. Received from Assembly concurred in.

**2007  
ENROLLED BILL**

07en S B-124

**ADOPTED DOCUMENTS:**

☒ Orig    ☐ Engr          SubAmdt      

07 1855 / 1

Amendments to above (if none, write "NONE"):

SAI - a 1134 / 1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel (as amended)

3-13-08

Date

J R Miller

Enrolling Drafter

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## 2007 SENATE BILL 124

April 3, 2007 - Introduced by Senators LASSA, LAZICH, OLSEN, DARLING, HANSEN, COGGS, ROESSLER and LEHMAN, cosponsored by Representatives KRAMER, HINES, MUSSER, VUKMIR, BERCEAU, A. OTT, NASS, M. WILLIAMS, GUNDERSON, HRAYCHUCK, CULLEN and BALLWEG. Referred to Committee on Judiciary and Corrections.

INS. SA1-1

1 **AN ACT to renumber** 813.12 (7) (intro.), 813.12 (7) (a), 813.12 (7) (b), 813.122 (10)  
2 (intro.), 813.122 (10) (a), 813.122 (10) (b), 813.123 (9) (intro.), 813.123 (9) (a),  
3 813.123 (9) (b), 813.125 (6) (intro.), 813.125 (6) (a) and 813.125 (6) (b); **to amend**  
4 813.12 (7) (c); and **to create** 813.122 (10) (c), 813.123 (9) (c) and 813.125 (6) (c)  
5 of the statutes; **relating to:** notice for child abuse, ~~vulnerable adult~~, and  
6 harassment injunctions.

INS. SA1-2

### *Analysis by the Legislative Reference Bureau*

Current law allows a court to impose four types of restraining orders: domestic abuse, child abuse, vulnerable adult, and harassment. For each petition for an order, the court first holds a hearing to determine whether to issue a temporary restraining order and later holds a hearing to determine whether to issue an injunction. Temporary restraining orders are effective until the court holds the injunctive hearing. At the hearing, if the court issues a child abuse, vulnerable adult, or harassment injunction, the injunction is effective once the subject of the injunction is served with the injunction. If the court issues a domestic abuse injunction, however, it is effective as soon as the court issues it as long as the subject was served with the petition and the notice of the time for the injunctive hearing.

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This bill makes a child abuse injunction, vulnerable adult injunction, or harassment injunction effective as soon as the court issues it as long as the subject was served with the petition and notice of the time for the injunctive hearing.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1.** 813.12 (7) (intro.) of the statutes is renumbered 813.12 (7) (am)  
2 (intro.).

3       **SECTION 2.** 813.12 (7) (a) of the statutes is renumbered 813.12 (7) (am) 1.

4       **SECTION 3.** 813.12 (7) (b) of the statutes is renumbered 813.12 (7) (am) 2.

5       **SECTION 4.** 813.12 (7) (c) of the statutes is amended to read:

6       813.12 (7) (c) A respondent who does not appear at a hearing at which the court  
7 orders an injunction under s. ~~813.12 sub.~~ (4) but who has been served with a copy of  
8 the petition and notice of the time for hearing under s. ~~813.12 (3) sub. (4) (a) 2.~~ has  
9 constructive knowledge of the existence of the injunction and shall be arrested for  
10 violation of the injunction regardless of whether he or she has been served with a  
11 copy of the injunction.

12       **SECTION 5.** 813.122 (10) (intro.) of the statutes is renumbered 813.122 (10) (am)  
13 (intro.).

14       **SECTION 6.** 813.122 (10) (a) of the statutes is renumbered 813.122 (10) (am) 1.

15       **SECTION 7.** 813.122 (10) (b) of the statutes is renumbered 813.122 (10) (am) 2.

16       **SECTION 8.** 813.122 (10) (c) of the statutes is created to read:

17       813.122 (10) (c) A respondent who does not appear at a hearing at which the  
18 court orders an injunction under sub. (5) but who has been served with a copy of the  
19 petition and notice of the time for hearing under sub. (5) (a) 2. has constructive  
20 knowledge of the existence of the injunction and shall be arrested for violation of the

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1 injunction regardless of whether he or she has been served with a copy of the  
2 injunction.

INS. SAI-3

3 SECTION 9. 813.123 (9) (intro.) of the statutes is renumbered 813.123 (9) (am)  
4 (intro.).

5 SECTION 10. 813.123 (9) (a) of the statutes is renumbered 813.123 (9) (am) 1.

6 SECTION 11. 813.123 (9) (b) of the statutes is renumbered 813.123 (9) (am) 2.

7 SECTION 12. 813.123 (9) (c) of the statutes is created to read:

8 813.123 (9) (c) A respondent who does not appear at a hearing at which the  
9 court orders an injunction under sub. (5) but who has been served with a copy of the  
10 petition and notice of the time for hearing under sub. (5) (a) 2. has constructive  
11 knowledge of the existence of the injunction and may be arrested for violation of the  
12 injunction regardless of whether he or she has been served with a copy of the  
13 injunction.

14 SECTION 13. 813.125 (6) (intro.) of the statutes is renumbered 813.125 (6) (am)  
15 (intro.).

16 SECTION 14. 813.125 (6) (a) of the statutes is renumbered 813.125 (6) (am) 1.

17 SECTION 15. 813.125 (6) (b) of the statutes is renumbered 813.125 (6) (am) 2.

18 SECTION 16. 813.125 (6) (c) of the statutes is created to read:

19 813.125 (6) (c) A respondent who does not appear at a hearing at which the  
20 court orders an injunction under sub. (4) but who has been served with a copy of the  
21 petition and notice of the time for hearing under sub. (4) (a) 2. has constructive  
22 knowledge of the existence of the injunction and shall be arrested for violation of the  
23 injunction regardless of whether he or she has been served with a copy of the  
24 injunction.

25 SECTION 17. Initial applicability.

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INS. SA1-4

1 (1) The treatment of sections 813.122 (10) (c), 813.123 (9) (c), and 813.125 (6)  
2 (c) of the statutes first applies to actions commenced on the effective date of this  
3 subsection.

4 (END)

**SENATE AMENDMENT 1,  
TO 2007 SENATE BILL 124**

January 28, 2008 – Offered by Senator LASSA.

SAI-1

SAI-2

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: delete “vulnerable adult” and substitute “individuals at risk”.

3 **2.** Page 1, line 6: after “injunctions” insert “and the time for service in  
4 injunction cases involving individuals at risk”.

5 **3.** Page 3, line 2: after that line insert:

SAI-3

6 “SECTION 8m. 813.123 (4) (c) of the statutes is amended to read:

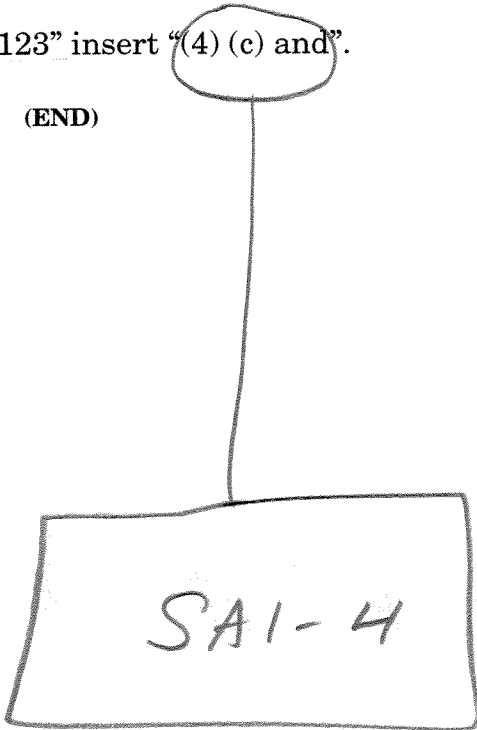
7 813.123 (4) (c) The temporary restraining order is in effect until a hearing is  
8 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on  
9 issuance of an injunction within 7 14 days after the temporary restraining order is  
10 issued, unless the time is extended upon the written consent of the parties or  
11 extended once for 7 14 days upon a finding that the respondent has not been served  
12 with a copy of the temporary restraining order although the petitioner has exercised  
13 due diligence.”.

1

4. Page 4, line 1: after "813.123" insert "(4) (c) and".

2

(END)



SAI-4